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Letter dated 4 December 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 30 November 2012 addressed to you, from the Representative of the Turkish Republic of Northern Cyprus, Mr. Mehmet Dânâ (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 43, and of the Security Council.

(*Signed*) Hüseyin **Müftüoğlu**
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Annex to the letter dated 4 December 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

I have the honour to refer to the statement made by the representative of the Greek Cypriot administration at a meeting of the Third Committee on 8 November 2012, under agenda items 69 (b) and 69 (c), entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms" and "Human rights situations and reports of special rapporteurs and representatives", respectively, which contain false allegations against the Turkish Republic of Northern Cyprus and Turkey. Since the Greek Cypriot side is utilizing every opportunity to distort facts pertaining to the question of Cyprus in every international forum where the Turkish Cypriot side is unjustly denied representation, I am compelled to respond, once again, in writing in order to set the record straight.

Throughout the many years following the Greek Cypriot destruction, in 1963, of the 1960 partnership Republic of Cyprus, the Greek Cypriot side has managed to misinform the international community and to portray the Cyprus problem as one of "invasion" and "occupation", while disguising the suffering and unjust isolation inflicted on the Turkish Cypriot people. The restrictions imposed by the Greek Cypriot side violating the basic human rights of Turkish Cypriots in various fields, such as the rights to freely trade and travel, and to participate in sports competitions, cultural events and educational schemes, are continuing, and efforts to remedy this situation by various parties are still impeded by the Greek Cypriot side. As a matter of fact, none of the Security Council resolutions describe the legitimate and justified Turkish intervention of 1974, undertaken in accordance with the Treaty of Guarantee of 1960, as "invasion", or the subsequent presence of Turkish troops on the island as "occupation". Such distortions are purely a Greek Cypriot fabrication aimed at blurring the issue and confusing the innocent with the guilty. On this point, it is imperative to recall the dramatic statement made by Archbishop Makarios, the Greek Cypriot leader at the time, before the Security Council on 19 July 1974, in which he openly accused Greece, not Turkey, of invading and occupying Cyprus. His remarks, which came only four days after the Greek Cypriot coup of 15 July 1974, are well recorded in the annals of the United Nations and hardly require further elaboration.

During the years from 1963 to 1974, which the Greek Cypriot representative conveniently ignores, the Greek Cypriots, aided and encouraged by Greece, practised ethnic cleansing and inflicted terrorism and tyranny on innocent Turkish Cypriots, all in the name of enosis (annexation of the island to Greece). The attempt by Greek Cypriot officials to brush aside the 11-year-long ordeal of the Turkish Cypriots is, to say the least, outrageous. It shows their total insincerity and refusal to show any sign of remorse or an attitude conducive to reconciliation.

In fact, the Greek Cypriot side has rejected all of the United Nations settlement plans proposed to date, including the Annan plan of 2004, which provided concrete advantages to the Greek Cypriot side at the expense of the Turkish Cypriot people. Nevertheless, the Greek Cypriot side still has the audacity to complain about the current status quo in the island. In this regard, the

observations of the then Secretary-General, following the Greek Cypriot rejection of the Annan plan, must be remembered:[a]

> The rejection of such a plan by the Greek Cypriot electorate is a major setback. What was rejected was the solution itself rather than a mere blueprint. Benefits for the Greek Cypriots which have been sought for decades — including the reunification of Cyprus, the return of a large swathe of territory, the return of most displaced persons to their homes (including a majority, some 120,000, under Greek Cypriot administration), the withdrawal of all troops not permitted by international treaties, the halting of further Turkish immigration and (if Greek Cypriot figures are accurate) the return to Turkey of a number of "settlers" — have been foregone.

The allegations of the Greek Cypriot representative of the so-called demographic changes in the Turkish Republic of Northern Cyprus through "continuous arrival of settlers from Turkey" are also totally unfounded and are only one aspect of the Greek Cypriot side's ongoing campaign of misinformation and propaganda aimed at distorting the facts and realities in Cyprus. It should be noted that the procedure through which citizenship is acquired in Northern Cyprus is similar to those widely applied throughout the world. It should also be noted in this regard that the Greek Cypriot administration has allowed the resettlement and employment of thousands of non-Greek Cypriot immigrants in Southern Cyprus in addition to its citizens originating from Greece, in accordance with its own legislation. It should be also underlined that the Greek Cypriot policy of naming Turkish Cypriot citizens originating from Turkey and their descendants as "settlers", constitutes clear discrimination against our people on the grounds of ethnicity and place of birth and it is thus totally unacceptable.

In this context, it should be also noted that the Turkish Republic of Northern Cyprus conducted a population census on 4 December 2011 with the participation of seven experts from the United Nations Population Fund. Results of the census show that the de facto population of Northern Cyprus is 294,906, indicating an 11.2 per cent increase in population over the five-year period following the previous census in 2006, which yielded a figure of 265,000. Following the census in the North, representatives from the United Nations have expressed their satisfaction with the results in terms of methodology and transparency and the way in which the Turkish Republic of Northern Cyprus population census was conducted in general.

Similarly, a population census was also held in South Cyprus in October 2011, results of which indicate a de facto population of 838,897: a 21.7 per cent increase over the results of the previous census held in 2001, which produced a population figure of 689,565. Comparatively, these results show that the populations of the two peoples have increased proportionally to one another, discrediting the oft-repeated Greek Cypriot allegation that there has been a population transfer to Northern Cyprus from Turkey or elsewhere.

Contrary to the Greek Cypriot representative's allegations, the history of human rights violations in Cyprus goes back a long time. Parallel to that, the issue of "refugees" or "internally displaced persons" arose when one fourth of the Turkish Cypriot population was rendered homeless as from December 1963 when Turkish

[a] See report of the Secretary-General on his mission of good offices in Cyprus (S/2004/437) of 28 May 2004, para. 83.

Cypriots had to flee for their lives as a result of the Greek Cypriot onslaught. It is true that many Turkish Cypriots as well as Greek Cypriots were displaced in 1974 as a result of the Greek coup d'état and its aftermath. It is equally true, however, that the question of displaced persons was settled through the Voluntary Exchange of Populations Agreement reached between the two sides at the third round of talks, held in Vienna in 1975. The Agreement was implemented under the supervision of the United Nations Peacekeeping Force in Cyprus and both the Agreement and its implementation are well recorded in relevant United Nations documents (S/11789 of 5 August 1975 and S/11789/Add.1 of 10 September 1975).

With respect to the so-called enclaves in the Turkish Republic of Northern Cyprus, I wish to remind the Greek Cypriot representative that the term "enclaved" was first used by the Secretary-General to describe the plight, between 1963 and 1974, of the Turkish Cypriots who had been squeezed by the Greek Cypriots into small pockets scattered around the island. The total area of the Turkish Cypriot enclaves was a mere 3 per cent of the territory of the island. Since 1974, the Greek Cypriot side has attempted to "hijack" this term to misrepresent the living conditions of the Greek Cypriots and Maronites residing in the Turkish Republic of Northern Cyprus, purely for propaganda purposes.

In fact, the Greek Cypriots who chose to stay in North Cyprus after the 1975 Voluntary Exchange of Populations Agreement enjoy all the rights and freedoms that are enjoyed by the citizens of the Turkish Republic of Northern Cyprus. Their living conditions are on a par with those of the Turkish Cypriots living in the same area. All the Greek Cypriots who opted to cross to South Cyprus over the years have been interviewed exclusively by the United Nations Peacekeeping Force in Cyprus which confirmed that the transfer was voluntary and not the response to any sort of oppressive policies or restrictions. In spite of these recorded realities, the Greek Cypriot administration chooses to exploit the existence of the Greek Cypriot residents in the Turkish Republic of Northern Cyprus as a propaganda tool for slandering the Turkish Cypriot authorities and Turkey.

It is also important to recall, in this context, that it was the Turkish Cypriot side that took an important initiative on 23 April 2003 and unilaterally opened the border to crossings between North and South Cyprus. This was a bold move by the Turkish Cypriot side towards creating the necessary atmosphere for reconciliation. More recently, the Turkish Cypriot side has proved its goodwill once again and enabled the opening of the Yeşilırmak/Limnitis gate in October 2010 in addition to the already existing crossing points. It is known by all concerned that the opening of the Yeşilırmak/Limnitis gate has provided predominantly for the easy access of the Greek Cypriots living in that region to South Nicosia, as they can directly cross from their place of residence to North Cyprus.

As regards the work of the Committee on Missing Persons, I would like to reiterate the commitment of the Turkish Cypriot side to the work carried out by the Committee in line with the mandate agreed by the two sides under the auspices of the Secretary-General. Owing to the sincere commitment and cooperation of the relevant Turkish Republic of Northern Cyprus authorities, as of August 2012, the Committee on Missing Persons, after carrying out exhumations at 609 sites on both sides of the island, has found the remains of 895 persons. To this date, 269 Greek Cypriot and 67 Turkish Cypriot remains have been successfully exhumed, identified and returned to their families. As regards the claim to the effect that the

Committee's access to military areas in the north has been restricted, it should be noted that the Turkish Cypriot authorities have been facilitating the Committee's access to all relevant areas, including military zones in Northern Cyprus. Accordingly, as recorded in paragraph 28 of your report on the United Nations operation in Cyprus of 28 May 2010 (S/2010/264), the Turkish Cypriot side has "granted access to four new exhumation sites located in military areas in the north". It should be also noted in this regard that permission has recently been granted to the Committee for exhumation in a military area in Northern Cyprus in 2012. Thus, allegations to the effect that access to military areas in the North has been restricted are unwarranted and totally undermine the cooperative approach of the Turkish Cypriot side in this matter.

One of the most fundamental issues of the Cyprus question is that of property. The property issue in Cyprus first arose not in 1974 but in 1963, when the Turkish Cypriots were forced to abandon their homes at gunpoint and took refuge in what came to be known as Turkish Cypriot enclaves. It should be stressed that it is not only the Greek Cypriots who left immovable property, in the North but also the Turkish Cypriots who had to abandon a considerable amount of property in the South as well, most of which was confiscated by the Greek Cypriot administration, leaving no possibility for restitution and/or compensation to the Turkish Cypriots for the use and enjoyment of their properties. Instead of seeking to resolve the issue with the Turkish Cypriot side in accordance with established parameters, the Greek Cypriot side has, over the years, encouraged recourse to the European Court of Human Rights in a bid to bring the issue to the European platform.

We, as the Turkish Cypriot side, have always adopted a fair approach to the issue of property. The status of property left by the Greek Cypriots is defined clearly by the relevant clauses of the Constitution of the Turkish Republic of Northern Cyprus. The sole legitimate authority in matters related to ownership of land and property within the boundaries of North Cyprus is the Government of the Turkish Republic of Northern Cyprus, elected under and by virtue of the Constitution. The Turkish Cypriot side never denied the inalienable right to property and thus, on the basis of the guidelines suggested by the European Court of Human Rights, the Legislative Assembly of the Turkish Republic of Northern Cyprus enacted the Law for the Compensation, Exchange and Restitution of Immovable Properties.

In accordance with this Law, the Immovable Property Commission was established on 22 March 2006 with a view to providing an effective domestic remedy, namely restitution, compensation and exchange, for claims related to abandoned properties in Northern Cyprus. In this context, it is important to note that, on 1 March 2010, the Grand Chamber of the European Court of Human Rights concluded that the case of *Demopoulos v. Turkey* was inadmissible and ruled, inter alia, that the Immovable Property Commission "provides an accessible and effective framework of redress in respect of complaints about interference with the property owned by Greek Cypriots". It has thus been legally acknowledged that the Commission provides an effective domestic remedy for Greek Cypriot claims related to properties in North Cyprus. It also needs to be stressed that the above-mentioned decision of the European Court of Human Rights came after a series of other cases involving individual claims on property had been brought before the Court by the Greek Cypriot side. The decision also served as a clear message to the Greek Cypriot administration that, in the case of Cyprus, issues related to property

need to be resolved domestically and taking into account the special circumstances of the island.

It is clear from the jurisprudence of the European Court of Human Rights noted above that Greek Cypriots are not without remedies, and that they can apply to the Immovable Property Commission for restitution, compensation and exchange which are being assessed on the basis of criteria established by the Court. Despite the ill-intentioned attempts of the Greek Cypriot administration to deter Greek Cypriots from applying to the Commission, as of 30 November 2012, 4,157 applications had been lodged with the Commission, of which 310 have been concluded. The Commission has paid over 93 million British pounds to the applicants as compensation. It should also be noted that the Greek Cypriot administration continues to disseminate false and misleading information, particularly by portraying the issue as solely affecting the Greek Cypriot people. In reality, long before it became a problem for the Greek Cypriots, the issue of property had been affecting the Turkish Cypriot people, thousands of whom were forced to leave their homes and properties between 1963 and 1974, as a result of Greek Cypriot armed attacks. As is known, the reciprocal property claims of the two sides constitute one of the major topics of discussion in the negotiating process involving the two sides, which has been conducted since 1968 under the auspices of the United Nations.

The policies of the Greek Cypriot administration vis-à-vis the Turkish Cypriot properties left in the South are in total contradiction with its professed role of "champion" of ownership rights in Cyprus. Following its hijacking of the partnership government in 1963, the Greek Cypriot administration unilaterally enacted a series of laws designed to regulate and control Turkish Cypriot-owned land and properties located in South Cyprus. Accordingly, the major part of Turkish Cypriot land and properties was allocated to Greek Cypriots and the remaining land and properties have been and are still being acquired on a compulsory basis by the Greek Cypriot authorities. In line with its so-called guardianship regulations, no compensation has ever been paid to the Turkish Cypriot owners, who for all practical purposes are being told through Greek Cypriot court decisions to await the final settlement of the Cyprus question. It should be duly noted that the Greek Cypriot side has failed to propose any mechanism, similar to the Immovable Property Commission in the North, for handling the property claims.

As for the allegations regarding the so-called destruction of the cultural heritage in North Cyprus, I would like to emphasize that protection of the island's cultural heritage is of great importance to the Turkish Cypriot side, since the cultural heritage of Cyprus, whether in the North or in the South, derives from the diverse and rich cultures of the civilizations that have populated the island throughout history. It is the common heritage of humanity, regardless of its origin, and should be protected and preserved.

In this respect, since 2006, 15 Greek Orthodox churches have been restored by our authorities, and other projects of restoration, of churches, mosques, monasteries and other monuments, have been undertaken with the collaboration of the United Nations Development Programme Partnership for the Future programme and the UNDP Action for Cooperation and Trust in Cyprus. Restoration work on some other churches and monasteries are currently under way with the support of the Action for Cooperation and Truth and the Government of the United States of America. In the

last three years alone, almost 400,000 United States dollars have been spent by the Turkish Republic of Northern Cyprus authorities on cultural heritage restoration projects, in addition to the funds made available by the European Union and USAID.

It is also worth mentioning at this point that the 21 March 2008 agreement reached between the Greek Cypriot and Turkish Cypriot sides has paved the way for the establishment of the Technical Committee on Cultural Heritage, among others, which has provided a significant impetus for the protection of the rich and varied cultural heritage of the island. In line with the mandate given to it, since May 2008, the Technical Committee has held more than 145 meetings and has made close to 300 on-site visits to the cultural heritage monuments on both sides of the island.

On the other hand, the Greek Cypriot administration of Southern Cyprus has shown utter contempt for the Turkish-Muslim heritage in Southern Cyprus, where cultural and religious monuments, including mosques, baths, fountains and cemeteries, are under threat of destruction. I will mention here merely that hundreds of Turkish Cypriot villages, together with their mosques, have been razed to the ground since 1963. While claiming to care very much for the cultural heritage of the island, the Greek Cypriot administration at the same time attempts to block, often with success, initiatives of the Turkish Cypriot authorities to receive funds from international institutions and third parties for the protection of the cultural heritage in North Cyprus, where most of the cultural monuments are located.

Against this background, it is clear that the slanderous remarks of the Greek Cypriot representative against Turkey are not corroborated by the legal and historical facts concerning the island. Thus, instead of levelling unfounded accusations against Turkey in order to play the role of the victim in Cyprus, the Greek Cypriot administration, cognizant of the fact that its counterpart is the Turkish Cypriot side, is expected to adopt a more positive approach within the context of the efforts carried out for a fair and durable comprehensive settlement in Cyprus under your mission of good offices.

(*Signed*) Mehmet **Dânâ**
Representative
Turkish Republic of Northern Cyprus